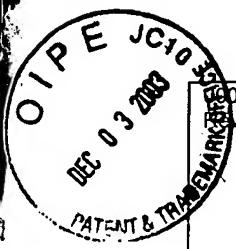


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PTO/SB/21 (modified)
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

U.S. Department of Commerce Patent and Trademark Office		Application Number	10/054,477
		Filing Date	January 18, 2002
		First Named Inventor	Michael C. Stewart
		Group Art Unit Number	3739
		Examiner Name	Not Yet Known
Total Number of Pages in This Submission	10*	Attorney Docket Number	80121-05730

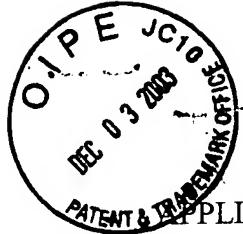
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REMARKS: *Page count does not include cited references.

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Signature:	<i>A.C. Smith</i>	
Attorney/Reg. No.:	Albert C. Smith, Reg. NO. 20,355	Dated: 12/1/03

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Michael C. Stewart, et al.

APPLICATION NO.: 10/054,477

FILING DATE: January 18, 2002

TITLE: Vessel Harvesting Apparatus And Method

EXAMINER: Not Yet Known

GROUP ART UNIT: 3739

ATTY. DKT. NO.: 80121-05730

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO/SB/08A listing references for consideration by the Examiner. Enclosed is a copy of each listed reference that may be material to the examination of this application, and for which there may be a duty to disclose. A concise explanation in accordance with 37 CFR §1.98(a)(3) of the relevant portions of the cited references that are not in the English language are believed to be set forth in the summaries as follows:

Reference H24669: Figures 1-3, and the associated descriptions disclose a clamp device for cauterizing and/or cutting tissue.

Reference SU 639545: Figures 1 and 2, and the associated descriptions disclose an electrocautery clamp device for cauterizing and/or cutting tissue.

Reference DT 2550693: Figure 1 on page 11, and the associated descriptions disclose a clamp device for cauterizing and/or cutting tissue.

Reference DE 3002088: Figure 1 on page 5, and the associated descriptions disclose a two-armed medical device for cauterizing and/or cutting tissue.

Reference SU 1498474 Figures 1-5, and the associated descriptions disclose a clamp device for cauterizing and/or cutting tissue.

Reference DE 40469 Figures 1 and 2, and the associated descriptions disclose a medical device with serrated edges for cauterizing and/or cutting tissue.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

This Information Disclosure Statement is being filed:

- within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first office action on the merits, whichever event last occurred;
- before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; or (2) an action that otherwise closes prosecution in the application, and:
 - attached hereto is the fee set forth under 37 CFR § 1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
 - Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement;

- on or before the payment of the issue fee but after the mailing date of the first to occur of either: (1) a final action under 37 CFR § 1.113; (2) a notice of allowance under 37 CFR § 1.311; or (3) an action that otherwise closes prosecution in the application, and:
 - Applicant certifies pursuant to 37 CFR. § 1.97(e) that:
 - each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; or
 - no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in this Statement was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND
 - attached hereto is the fee set forth under 37 CFR §1.17(p) for submission of this Information Disclosure Statement under 37 CFR. § 1.97(c); OR
 - after the payment of the issue fee. Applicant requests that the information contained in this Information Disclosure Statement be placed in the file according to 37 CFR § 1.97(i), although the information may not be considered by the USPTO.
- This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application No. APPLICATION NO., filed on DATE FILED, and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).
- Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- Applicant submits that no fee is required for the consideration of this Information Disclosure Statement.

PATENT

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
MICHAEL C. STEWART, ET AL.

Dated: 12/1/03

By: A. C. Smith
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Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
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Application No.	10/054,477
Filing Date	January 18, 2002
First Named Inventor	Michael C. Stewart
Art Unit	3739
Examiner Name	Not Yet Known
Attorney Docket Number	80121-05730

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document No.	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US-6,432,115	08-13-2002	Mollenauer, et al.
		US-H1,904	10-03-2000	Yates, et al.
		US-6,077,277	06-20-2000	Mollenauer, et al.
		US-5,914,062	06-22-1999	von der Heyde
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		US-5,797,907	08-25-1998	Clement
		US-5,755,717	05-26-1998	Yates, et al.
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		US-5,707,382	01-13-1998	Sierocuk, et al.
		US-5,693,051	12-02-1997	Schulze, et al.
		US-5,690,847	11-25-1997	LeValley, et al.
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		US-5,665,085	09-09-1997	Nardella
		US-5,647,871	07-15-1997	Levine, et al.
		US-5,601,601	02-11-1997	Tal, et al.
		US-5,595,565	01-21-1997	Treat, et al.

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Application No.	10/054,477
Filing Date	January 18, 2002
First Named Inventor	Michael C. Stewart
Art Unit	3739
Examiner Name	Not Yet Known

Sheet 2 of 5 Attorney Docket Number 80121-05730

U.S. PATENT DOCUMENTS			
Examiner Initials*	Cite No. ¹	Document No.	Name of Patentee or Applicant of Cited Document
	US-5,591,183	01-07-1997	Chin
	US-5,565,122	10-15-1996	Zinnbauer, et al.
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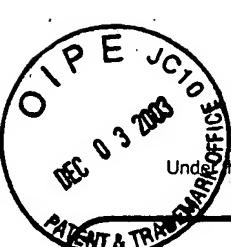
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Application No.	10/054,477
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First Named Inventor	Michael C. Stewart
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Attorney Docket Number	80121-05730

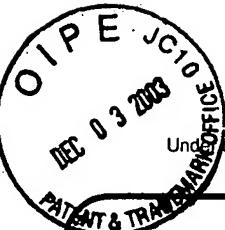
U.S. PATENT DOCUMENTS			
Examiner Initials*	Cite No. ¹	Document No.	Name of Patentee or Applicant of Cited Document
		US-5,290,249	03-01-1994 Foster, et al.
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		US-5,267,998	12-07-1993 Hagen
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		US-4,671,274	06-09-1987 Sorochenko
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		US-4,655,216	04-07-1987 Tischer

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First Named Inventor	Michael C. Stewart
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Attorney Docket Number	80121-05730

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document No.	Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
		US-4,597,379	07-01-1986	Kihn, et al.
		US-4,516,574	05-14-1985	Hewes, Jr.
		US-4,493,320	01-15-1985	Treat
		US-4,370,980	02-01-1983	Lottick
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		US-4,031,898	06-28-1977	Hiltebrandt, et al.
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		US-3,625,202	12-07-1971	Oyoshirhara, et al.
		US-3,613,682	10-19-1971	Naylor
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		US-2,004,559	06-11-1935	Wappler, et al.

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FOREIGN PATENT DOCUMENTS				
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Name of Patentee or Applicant of Cited Document	
		Country Code ³ – Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	RECEIVED DEC 04 2003 TECHNOLOGY CENTER R3700
		WO 98/38935	09-11-1998	The Trustees Of Columbia University In The City Of New York, et al.
		WO 94/24951	11-10-1994	Medical Scientific, Inc.
		WO 94/24949	11-10-1994	Medical Scientific, Inc.
		WO 93/08754	05-13-1993	Medical Scientific, Inc.
		WO 92/08513	05-29-1992	Interventional Thermodynamics, Inc.
		H24669	10-31-1956	Heinen
		SU 639545	12-30-1978	Gorinov Trofim et al.
		DT 2550693	05-26-1977	Karl Storz
		DE 3002088	07-23-1981	Druckrey et al.
		SU 1498474	8-7-1989	Vladimir Koshelev et al.
		DE 40469	08-20-1987	Trullinger
		EP 0517244 A1	12-09-1992	Hemostatic Surgery Corporation
		EP 0517244 B1	03-20-1996	Hemostatic Surgery Corporation
		EP 0518230 B1	05-15-1996	Hemostatic Surgery Corporation

OTHER REFERENCES – NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ⁶

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